

VILLAGE OF HAMMOND  
PIATT COUNTY, ILLINOIS

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ORDINANCE #2017-03

"An Ordinance Providing for the Definition and Abatement of Nuisances in the Village of  
Hammond, Piatt County, Illinois"

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ADOPTED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF HAMMOND THIS  
13<sup>th</sup> DAY OF APRIL, 2017

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Published in pamphlet form by authority of the Village Board of the Village of Hammond, Piatt  
County, Illinois, this 13<sup>th</sup> day of April, 2017

VILLAGE OF HAMMOND  
PIATT COUNTY, ILLINOIS  
ORDINANCE #2017-03

"An Ordinance Providing for the Definition and Abatement of Nuisances in the Village of Hammond, Piatt County, Illinois"

**BE IT ORDAINED** by the President and Board of Trustees of the Village of Hammond, Piatt County, Illinois, that:

**SECTION 1:           Definition – Prohibition**

The following acts, conduct, and conditions are hereby declared and defined to be nuisances, and when committed, performed, or permitted to exist by any individual, firm, association, or corporation within the territorial limits of the Village of Hammond, Piatt County, Illinois, are hereby declared to be unlawful and prohibited:

- A. Any act or offense which is a nuisance according to the common law and/or statutes of the State of Illinois, or declared or defined to be a nuisance by the Ordinances of the Village of Hammond. In addition, the officials of the municipality shall be authorized to abate any nuisance, which, while not specifically defined within this Ordinance, shall constitute the unreasonable, unwarrantable, or unlawful use by a person or property, real or personal, or personal conduct which is improper, indecent, or unlawful and which works an obstruction or injury to a right of another, or of the public, and produces such material annoyance, inconvenience, discomfort, or hurt that the law will presume an actionable nuisance. Nuisances may be abated which are public or which are both public and private in nature;
- B. To cause or allow the carcass of any animal or any offal, filth, or noisome substance to be collected, deposited, or to remain in any place, under his, her, or its ownership or control, to the prejudice of others;
- C. To throw or deposit any offal or other offensive matter, or the carcass of any dead animal in any water course, lake, pond, spring, well, or common sewer, street, or public highway;
- D. To corrupt or render unwholesome or impure the water of any spring, river, stream, pond, or lake to the injury or prejudice of others;
- E. To obstruct or encroach upon public highways, private ways, streets, alleys, commons, landing places, and ways to burying places;
- F. To erect, continue or use any building or other place for the exercise of any trade, employment, or manufacture, which, by occasioning noxious exhalation, offensive smells or otherwise, if offensive or dangerous to the health of individuals, or of the public;
- G. To advertise wares or occupation by painting notices of the same on, or affixing them to fences, walls, windows, building exteriors, utility poles, or on hydrants, other public or private property, or on rocks or other natural objects, without the consent of the owner, or if in the highway or other public place, without permission of the proper authorities;
- H. To harass, intimidate, or threaten any person who is about to sell or lease or has sold or leased a residence or other real property or is about to buy or lease or has bought or

leased a residence or other real property, when the harassment, intimidation, or threat relates to a person's attempt to sell, buy, or lease a residence, or other real property, or refers to a person's sale, purchase or lease of a residence or other real property;

- I. To store, dump, or permit the accumulation of debris, refuse, garbage, trash, tires, buckets, cans, wheelbarrows, garbage cans, or other containers in a manner that may harbor mosquitoes, flies, insects, rodents, nuisance birds, or other animal pests that are offensive, injurious, or dangers to the health of individuals of the public;
- J. To create any condition, through the improper maintenance of a swimming pool or wading pool, or by causing any action which alters the condition of a natural body of water, so that it harbors mosquitoes, flies, or other animal pests that are offensive, injurious, or dangerous to the health of individuals or the public;
- K. To dump, abandon, deposit, dismantle, or burn upon any public property or right-of-way, highway, park, street, or parkway anywhere in the Village of Hammond, any hazardous materials, trash, garbage, ash, junk, junked or wrecked motor vehicles or parts thereof, oil, gas, diesel fuel, or other used petroleum products;
- L. To store, keep, or maintain outside of a closed building, any junk, parts, machinery, or equipment not in an operable condition, or motor vehicle not in an operable or inoperable condition, where such operable/inoperable motor vehicle is an actual danger or detriment to life, safety, health, or peaceful enjoyment of the property of surrounding land owners; provided, however, that this provision shall not apply to a property licensed junk yard or other permitted outdoor storage use which is in full compliance with all of the Ordinances of the Village of Hammond governing the same;
- M. To own, maintain, or keep a dwelling unfit for human habitation, or dangerous or detrimental to life, safety, or health because of lack of repair, defects in the plumbing system, lighting or ventilation, the existence of contagious diseases or unsanitary condition, likely to cause sickness among persons residing in said premises or residing in proximity thereof;
- N. To store, place, or allow to remain any materials in a manner which may harbor rats or other vermin;
- O. To produce or permit to be produced, whether on public or private property, any offensive noise to the disturbance of the peace or quiet of any person residing in the vicinity;
- P. To dump, deposit, or place any garbage, rubbish, trash, or other refuse upon real estate owned by another, without the consent of the owner or person in possession of such real estate;
- Q. To allow any building to remain in a dangerous or unsafe or uncompleted and abandoned condition.
- R. To refuse to remove garbage and debris from private property after reasonable notice by the Village to remove the same;
- S. To allow weeds to grow upon property owned by the individual, firm, association, or corporation after reasonable notice from the Village that the same should be cut, as used herein, the term "weeds" shall include, without limitation, jimson, burdock, ragweed, thistle and cocklebur; and
- T. To allow grass and plants, other than trees, bushes, flowers, and other ornamental plants, to grow at a height in excess of eight inches on property owned by the individual, firm, association, or corporation after 7-day notice from the Village that the same should be

cut. A fee of \$50 will be charged to the property owner if the Village is forced to mow this property.

**Section 2: Non-Summary Abatement – Notice**

- A. Except where otherwise provided above or in the Ordinances of the Village of Hammond, the Village Board may serve or cause to be served a notice, in writing, upon the owner, agent, occupant, or person in possession, charge or control of any lot, building or premises or item of personalty in or upon which any nuisance exists, requiring them, or each of them, to abate the same within a 14-day period, in such manner as the notice shall direct.
- B. If the person so served and notified does not abate the nuisance within the 14 days, the Village Board may proceed to abate the nuisance in any or all manner allowable by law, including, without limiting the generality thereof, the following:
  - 1. Seeking to impose a monetary penalty as defined by Section 4 of this Ordinance by instituting and Ordinance enforcement action; and/or
  - 2. Seeking to impose a lien upon said property for any unpaid penalties and charges against said property; and/or
  - 3. Seeking to enjoin the continuation of the nuisance by the filing of a lawsuit in a court of competent jurisdiction.
- C. In addition, the officials of the municipality shall be authorized to take legal action to abate any nuisance which, while not specifically defined within this Ordinance, shall constitute the unreasonable, unwarrantable, or unlawful use by a person or property, real or personal, or personal conduct which is improper, indecent, or unlawful and which works an obstruction or injury to a right of another, or of the public, and produces such material annoyance, inconvenience, discomfort, or hurt that the law will presume an actionable nuisance. Legal action may be taken to abate nuisances which are public or which are both public and private in nature.

**Section 3: Summary Abatement**

Whenever, in the opinion of the Village, the maintenance or continuation of a nuisance creates an imminent threat of serious injury to persons or serious damage to real or personal property, and the continuation of the nuisance poses a substantial threat of injury to persons or property, the Village may proceed immediately and summarily to abate such nuisance.

**Section 4:**

Any individual, firm, association, or corporation violating any of the provisions of this Ordinance shall be fined not less than \$25 or more than \$500. Each day that a violation is allowed to exist shall constitute a separate offense.

**Section 5:**

If any section, subsection, paragraph, or part of this Ordinance is for any reason held to be unconstitutional or invalid by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance, which shall remain in full force and effect.

This Ordinance shall be in full force and effect forthwith upon its passage, approval, and publication in pamphlet form, as required by law.

Passed by the Board of Trustees of the Village of Hammond, Piatt County, Illinois, this 13<sup>th</sup> day of April, 2017, by the following roll call vote:

AYES: 4

NAYS: 0

ABSENT: 2

Brenda Sebens  
Village Clerk, Village of Hammond  
Piatt County, Illinois

Approved by the President of the Board of Trustees of the Village of Hammond, this 13<sup>th</sup> day of April, 2017.

Patricia Webb  
President, Board of Trustees  
Village of Hammond, Piatt County, Illinois

ATTEST:

Brenda Sebens  
Village Clerk